

## TRINIDAD URIBE.

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MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. CLARDY, from the Committee on Claims, submitted the following

## REPORT.

[To accompany H. R. 4840.]

The Committee on Claims, to whom was referred the bill (H. R. 4840) entitled "A bill authorizing and directing the Treasurer of the United States to pay to Trinidad Uribe certain money due him," beg leave to submit the following report, and recommend that said bill do pass, without amendment.

This is a bill enacting that Trinidad Uribe, a citizen of Zapata County, Tex., be reimbursed by the Government in the sum of \$1,355. It appears that in September, 1879, certain sheep and goats belonging to the said Trinidad Uribe were taken from his possession on his ranch in said county by officers of the United States acting under the order of the United States marshal for the western district of Texas, under certain proceedings in said court pending in the city of San Antonio, purporting to be a seizure for a violation of the customs-revenue laws of the United States; that under said proceedings for the libel of said sheep and goats, the United States as plaintiff, on Monday, December 1, 1879, obtained an order of sale of said property pending said proceedings, and that said property was sold by the marshal of said district some time in February, 1880; that on the 9th day of October, 1881, upon an issue joined between said Trinidad Uribe and the United States, a jury in said court, upon trial of the case, found for the claimant and the court ordered that the cause be dismissed, with costs to be taxed against the libelant, and that the claimant's stipulations be canceled, and further ordered that the sum of \$1,365.05, proceeds of said sale, be paid over to said Trinidad Uribe, the owner of said property, out of the registry of the court, into which the said marshal had been ordered to pay the same. It appears, however, that said money was never paid into the said registry of the court, and said money was therefore not paid over to the claimant, and that on March 3, 1883, upon motion of the United States, by its attorney, against said marshal, it was alleged that said marshal had sold property upon order of the court and that said sale had been approved by the court on the 13th day of February, 1880, and

had received in his hands the money arising from said sale, to wit, \$1,355.01; that the said marshal had never paid the said sum or any part thereof into the said registry of the court, or otherwise lawfully disposed of the same; that said officer had ceased to be the marshal of said district, but was still subject to the order of the court against said marshal to pay said claimant, whereupon the court ordered that said marshal, after the expiration of five days from service of said motion, pay over to the clerk of said court the said sum of money, but that he wholly failed to do so and has never paid said money to said claimant; that afterwards, on the 24th day of May, 1883, the United States, by its attorney, filed a suit in the United States circuit court of said district in the city of Austin against the said marshal and sureties for the recovery of said money, alleging the facts as above stated; that claimant was advised by the attorney of the United States that said suit, as entered by the United States, was for the purpose of recovering the said proceeds of said sale from which the claimant would be reimbursed for his losses. That on the 10th day of February, 1897, the said circuit court, upon demurrer of the defendant sureties, decided for the defendant; and the Government declining to further amend, the cause was dismissed and no appeal was taken therefrom. It thus appears that the officers of the Government in the first place made an improvident seizure of the claimant's property, and pending the proceeding of the seizure the property was ordered to be sold by the court and the marshal directed to pay the proceeds of said sale into the registry of the court; that the marshal made the sale and received the sum of \$1,355 as the proceeds thereof, but has failed to comply with the order to pay the same into the registry of the court and has also disregarded the subsequent rule of the court to do so, and that thereupon the Government sued him and his sureties to recover said money for the benefit of the claimant, advising the said claimant that this was the proper remedy; that said suit pending for some thirteen or fourteen years, when the court decided against the Government and the suit was dismissed. In the meantime the claimant's rights of action against the marshal and his bondsmen were barred, and he is now and has been for several years without legal remedy.

The committee is of the opinion, therefore, that inasmuch as the officers of the Government have been entirely responsible for the claimant's loss of his property, his claim presents the strongest equities for reimbursement of the loss he has sustained.